

CHAPTER 98

COUNTY BUDGET. PENALTY FOR OVER EXPENDITURE

H. F. 29

AN ACT to repeal section fifty-two hundred sixty-c ten (5260-c10), code, 1931, and to amend section fifty-two hundred sixty-c eleven (5260-c11), code, 1931, and enact a substitute therefor, relating to the county budget and providing penalty for violation thereof.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Repeal section fifty-two hundred sixty-c ten (5260-c10),
2 code, 1931, and enact a substitute therefor as follows:

3 "It shall be unlawful for any county official, the expenditures of
4 whose office comes under the provisions of this chapter, to authorize
5 the expenditure of a sum for his department larger than the amount
6 which has been appropriated by the county board of supervisors.

7 "Any county official in charge of any department or office who vio-
8 lates this law shall be guilty of a misdemeanor and punished accord-
9 ingly."

1 SEC. 2. Section fifty-two hundred sixty-c eleven (5260-c11), code,
2 1931, is amended by striking all of line three (3) after the word "of"
3 and inserting in lieu thereof the following:

4 "section 5259, and provisions of this chapter with reference to
5 the penalty, shall be in addition to the provisions of section 5258."

House File No. 29. Approved March 16, 1933.

CHAPTER 99

SETTLEMENT OF POOR PERSONS

H. F. 235

AN ACT to amend sections fifty-three hundred fourteen (5314), fifty-three hundred sixteen (5316), and fifty-three hundred nineteen (5319), code, 1931, and to repeal sections fifty-three hundred eleven (5311) to fifty-three hundred thirteen (5313), inclusive, code, 1931, all relating to settlement of poor persons.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section fifty-three hundred eleven (5311), code, 1931,
2 is hereby repealed and the following enacted in lieu thereof:

3 "1. Any person continuously residing in any one county of this
4 state for a period of one year without being warned to depart as
5 provided in this chapter acquires a settlement in that county, but if
6 such person has been warned to depart as provided in this chapter,
7 then such settlement can only be acquired after such person has re-
8 sided in any one county without being warned to depart as provided
9 in this chapter for a continuous period of one year from and after
10 such time as such persons shall have filed with the board of super-
11 visors of such county an affidavit stating that such person is no longer
12 a pauper and intends to acquire a settlement in that county.

13 "2. Any person having acquired a settlement in any county of
14 this state shall not acquire a settlement in any other county until such
15 person shall have continuously resided in said county for a period of

16 one year without being warned to depart as provided in this chapter.
 17 "3. Any such person who is an inmate of or is supported by any
 18 institution whether organized for pecuniary profit or not or any insti-
 19 tution supported by charitable or public funds in any county in this
 20 state or any person who is being supported by public funds shall not
 21 acquire a settlement in said county unless such person before becom-
 22 ing an inmate thereof or being supported thereby has a settlement
 23 in said county.

24 "4. A married woman has the settlement of her husband, if he
 25 has one in this state; if not, or if she lives apart from or is abandoned
 26 by him, she may acquire a settlement as if she were unmarried. Any
 27 settlement which the wife had at the time of her marriage may at her
 28 election be resumed upon the death of her husband, or if she be
 29 divorced or abandoned by him, if both settlements were in this state.

30 "5. Legitimate minor children take the settlement of their father,
 31 if there be one, if not, then that of the mother.

32 "6. Illegitimate children take the settlement of their mother, or,
 33 if she has none, then that of their putative father."

1 SEC. 2. Section fifty-three hundred twelve (5312), code, 1931, is
 2 hereby repealed and the following is enacted in lieu thereof:

3 "A legal settlement once acquired shall so remain until such person
 4 has removed from this state for more than one year or has acquired
 5 a legal settlement in some other county or state."

1 SEC. 3. Section fifty-three hundred thirteen (5313), code, 1931, is
 2 hereby repealed and the following is enacted in lieu thereof:

3 "1. Any person who is a county charge or likely to become such,
 4 coming from another state and not having acquired a settlement in
 5 any county of this state or any such person having acquired a settle-
 6 ment in any county of this state who removes to another county,
 7 may be removed from this state or from the county into which such
 8 person has moved, as the case may be, at the expense of the county
 9 wherein said person is found, upon the petition of said county to the
 10 district or superior court of that county.

11 "2. The court or judge shall fix the time and place of hearing on
 12 said petition and prescribe the time and manner of service of the
 13 notice of such hearing.

14 "3. If upon the hearing on said petition such persons shall be
 15 ordered to remove from the state or county and fails to do so, he shall
 16 be deemed and declared in contempt of court and may be punished
 17 accordingly."

1 SEC. 4. Section fifty-three hundred fourteen (5314), code, 1931,
 2 is amended by adding after the word "state" in line 2, the following:
 3 "or any county from another county in this state".

1 SEC. 5. That section fifty-three hundred sixteen (5316), code,
 2 1931, is amended by adding thereto the following paragraph:

3 "In the event such person cannot be found within the county, any
 4 person attempting to make such service shall file with the board of
 5 supervisors an affidavit that diligent search has been made and that
 6 such persons cannot be found within the county and the same shall
 7 constitute sufficient service of warning as provided herein."

1 SEC. 6. Section fifty-three hundred nineteen (5319), is amended
2 as follows:

3 1. Strike from lines six (6) and seven (7), after the word "in-
4 curred" the following: "after notice is given".

5 2. Further amend by adding thereto the following paragraph:

6 "When relief as herein provided is furnished by any governmental
7 agency of the county, township or city, such relief shall be deemed
8 to have been furnished by the county in which such agency is located
9 and the agency furnishing such relief shall certify the correctness of
10 the costs of such relief to the board of supervisors of said county and
11 said county shall collect from the county of such person's settlement.
12 The amounts herein collected by said county shall be paid to the
13 agency furnishing such relief. This statute as herein amended shall
14 apply to services and supplies furn'ished as provided in section 2277,
15 code, 1931."

House File No. 235. Approved April 19, 1933.

CHAPTER 100

POOR RELIEF. APPLICATION FOR AID

S. F. 298

AN ACT to repeal section fifty-three hundred twenty-eight (5328), code, 1931, and to enact a substitute therefor relating to application by poor persons for relief.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section fifty-three hundred twenty-eight (5328), code,
2 1931, is hereby repealed and the following is enacted in lieu thereof,
3 to wit:

4 "5328. The poor may make application for relief to a member of
5 the board of supervisors, or to the overseer of the poor, or to the
6 trustees of the township where they may be. If application be made
7 to the township trustees and they are satisfied that the applicant is
8 in such a state of want as requires relief at the public expense, they
9 may afford such temporary relief, subject to the approval of the board
10 of supervisors, as the necessities of the person require and shall report
11 the case forthwith to the board of supervisors, who may continue or
12 deny relief, as they find cause."

Senate File No. 298. Approved April 15, 1933.